

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: : Chapter 13
David E. Layton, :
Debtor : No. 17-14879-jkf
: :
: :
: :

**OBJECTION OF BRANCH BANKING & TRUST COMPANY
TO CONFIRMATION OF CHAPTER 13 PLAN**

Movant, Branch Banking & Trust Company (“BB&T”), by and through its attorneys, Barley Snyder, hereby files its objection to the confirmation of Debtor’s Amended Chapter 13 Plan, and in support thereof, avers as follows:

1. The Debtor filed a voluntary petition under Chapter 13 of the United States Bankruptcy Code on July 20, 2017 and was granted an Order for relief thereon.

2. BB&T’s claim is secured by a mortgage (“Mortgage”) dated May 22, 2008 on the Debtor’s real estate located at 115 Autumn Drive, Lititz, Lancaster County, Pennsylvania (“Premises”).

3. BB&T filed an Amended Proof of Claim in this Chapter 13 case with the United States Bankruptcy Court, as follows:

Approximate Total Secured Claim	\$309,661.02
Approximate Pre-petition arrears	\$309,661.02

4. The Debtor filed an Amended Chapter 13 Plan (the “Plan”), wherein the Debtor proposes to pay to the Chapter 13 Trustee \$300.00 monthly for a period of eight (8) months, \$400.00 monthly for a period of four (64) months, \$650.00 monthly for a period of forty-seven (47) months, and one (1) final payment of \$750.00 for a total of \$35,300.00.

5. In Debtor's Amended Plan, the Debtor does not propose to pay the claim owed to BB&T through monthly plan payments.

6. Debtor's Amended Plan states that the secured claim shall be satisfied with the surrender of all assets securing the note other than the Premises and further states BB&T's mortgage lien shall be divested.

7. Debtor has failed to state a basis in fact or at law for the divestiture of BB&T's mortgage lien.

8. BB&T will suffer irreparable harm and damage under the terms of the Amended Plan if the Amended Plan is confirmed.

9. BB&T rejects the Amended Plan and hereby objects to the treatment proposed for BB&T's mortgage lien in said Amended Plan.

WHEREFORE, the Objector, Branch Banking & Trust Company, respectfully requests that confirmation of Debtor's Amended Chapter 13 Plan be denied or that Debtor's case be dismissed.

BARLEY SNYDER

Date: May 14, 2018

By: /s/Joseph P. Schalk
Joseph P. Schalk, Esquire
Attorneys for Movant
Branch Banking & Trust Company
Court I.D. #91656
126 East King Street
Lancaster, PA 17602
(717) 299-5201